



# County of San Diego

**MARK WARDLAW**  
DIRECTOR

PLANNING & DEVELOPMENT SERVICES  
5510 OVERLAND AVENUE, SUITE 310, SAN DIEGO, CA 92123  
PHONE (858) 694-2962 FAX (858) 694-2555  
www.sdcounty.ca.gov/pds

## **MITIGATED NEGATIVE DECLARATION**

**PROJECT NAME:** Tractor Supply, Valley Center

**RECORD ID:** PDS2015-MUP-15-029

**ENVIRONMENTAL LOG NO.:** PDS2015-ER-15-08007

**This Document is Considered Draft Until it is Adopted by the Appropriate  
County of San Diego Decision-Making Body.**

This Mitigated Negative Declaration is comprised of this form along with the Environmental Initial Study that includes the following:

a. Initial Study Form

### **1. California Environmental Quality Act Negative Declaration Findings:**

Find, that this Mitigated Negative Declaration reflects the decision-making body's independent judgment and analysis, and; that the decision-making body has reviewed and considered the information contained in this Mitigated Negative Declaration and the comments received during the public review period; and that revisions in the project plans or proposals made by or agreed to by the project applicant would avoid the effects or mitigate the effects to a point where clearly no significant effects would occur; and, on the basis of the whole record before the decision-making body (including this Mitigated Negative Declaration) that there is no substantial evidence that the project as revised will have a significant effect on the environment.

### **2. Required Mitigation Measures:**

Refer to the attached Environmental Initial Study for the rationale for requiring the following measures:

#### **A. TRANSPORTATION**

The payment of the Transportation Impact Fee, which will be required at issuance of building permits, in combination with other components of this program, will mitigate potential cumulative traffic impacts to less than significant.

**TRANSPORTATION IMPACT FEE:** The project is subject to County of San Diego Transportation Impact Fee (TIF) pursuant to [County TIF Ordinance number 77.201 – 77.223](#). The Transportation Impact Fee (TIF) shall be paid. The fee is required for the entire project, or it can be paid at building permit issuance for each phase of the project. The fee is calculated pursuant to the ordinance at the time of building permit issuance. The applicant shall pay the TIF at the [PDS, LD Counter] and provide a copy of the receipt to the [PDS, BD] at time of permit issuance.

## **B. BIOLOGY**

**ANY PERMIT:** *(Prior to the approval of any plan, issuance of any permit, and prior to occupancy or use of the premises in reliance of this permit).*

### **BIO#1–BREEDING SEASON AVOIDANCE: [PDS, BPPR]**

**INTENT:** In order to avoid impacts to nesting migratory birds and raptors, which are a protected biological resource pursuant to the federal Migratory Bird Treaty Act (MBTA) and California Fish and Game Code, breeding season avoidance shall be implemented on all plans. **DESCRIPTION OF REQUIREMENT:** There shall be no brushing, clearing and/or grading of vegetation during the breeding season of migratory birds or raptors, between February 1 and August 31. [PDS, PCC] may waive this condition, through review from the U.S. Fish and Wildlife Service and the California Department of Fish and Wildlife (Wildlife Agencies), provided that it can be demonstrated to the satisfaction of PDS and Wildlife Agencies that no nesting or breeding birds are present within or adjacent to the areas to be brushed, cleared, or graded. This determination shall be based on a pre-construction survey and report, conducted and prepared by a qualified biological consultant approved by the County, within 10 days prior to the proposed start of clearing/grading. If nesting birds are present in the vicinity, prior to granting permission PDS and the Wildlife Agencies shall require avoidance measures including, but not limited to, staking and posting avoidance areas from the nest(s) to prohibit all construction work within the perimeter until the qualified biologist determines that the nests are no longer occupied and follow-up reports to be provided to the county, with written notification to the approval of the [PDS, PCC]. If the [PDS, PCC] grants a waiver of this condition, the qualified biologist shall conduct another preconstruction nesting bird survey within 3 days of brushing, clearing and/or grading to confirm that conditions have not changed. If approved, this waiver does not relieve the project from required compliance with state and federal laws, and nesting or breeding birds must be avoided at all times. **DOCUMENTATION:** The applicant shall provide a letter of agreement with this condition; alternatively, the applicant may submit a written request for waiver of this condition. No grading shall occur on-site until concurrence is received from the County and the Wildlife Agencies. **TIMING:** Prior to preconstruction conference and prior to any clearing, grubbing, trenching, grading, or any land disturbances and throughout the duration of the grading and construction, compliance with this condition is mandatory unless the requirement is waived by the County upon receipt of concurrence from the Wildlife Agencies. **MONITORING:** PDS shall not allow any grading during the specified dates, unless review and concurrence from PDS and the Wildlife Agencies is received.

**“Specific Environmental Condition Notes” to be placed on the Preliminary Grading and Development Plan, for implementation on the Final Grading and/or Improvement Plans:**

**PRE-CONSTRUCTION GRADING AND/OR IMPROVEMENTS:** *(Prior to any clearing, grubbing, trenching, grading, or any land disturbances.)*

**(BIOLOGICAL RESOURCES)**

**BIO#2–BREEDING SEASON AVOIDANCE: [PDS, BPPR]**

**INTENT:** In order to avoid impacts to nesting migratory birds and raptors, which are a protected biological resource pursuant to the federal Migratory Bird Treaty Act (MBTA) and California Fish and Game Code, breeding season avoidance shall be implemented on all plans. **DESCRIPTION OF REQUIREMENT:** There shall be no brushing, clearing and/or grading of vegetation during the breeding season of migratory birds or raptors, between February 1 and August 31. [PDS, PCC] may waive this condition, through review from the U.S. Fish and Wildlife Service and the California Department of Fish and Wildlife (Wildlife Agencies), provided that it can be demonstrated to the satisfaction of PDS and Wildlife Agencies that no nesting or breeding birds are present within or adjacent to the areas to be brushed, cleared, or graded. This determination shall be based on a pre-construction survey and report, conducted and prepared by a qualified biological consultant approved by the County, within 10 days prior to the proposed start of clearing/grading. If nesting birds are present in the vicinity, prior to granting permission PDS and the Wildlife Agencies shall require avoidance measures including, but not limited to, staking and posting avoidance areas from the nest(s) to prohibit all construction work within the perimeter until the qualified biologist determines that the nests are no longer occupied and follow-up reports to be provided to the county, with written notification to the approval of the [PDS, PCC]. If the [PDS, PCC] grants a waiver of this condition, the qualified biologist shall conduct another preconstruction nesting bird survey within 3 days of brushing, clearing and/or grading to confirm that conditions have not changed. If approved, this waiver does not relieve the project from required compliance with state and federal laws, and nesting or breeding birds must be avoided at all times. **DOCUMENTATION:** The applicant shall provide a letter of agreement with this condition; alternatively, the applicant may submit a written request for waiver of this condition. No grading shall occur on-site until concurrence is received from the County and the Wildlife Agencies. **TIMING:** Prior to preconstruction conference and prior to any clearing, grubbing, trenching, grading, or any land disturbances and throughout the duration of the grading and construction, compliance with this condition is mandatory unless the requirement is waived by the County upon receipt of concurrence from the Wildlife Agencies. **MONITORING:** PDS shall not allow any grading during the specified dates, unless review and concurrence from PDS and the Wildlife Agencies is received.

### **C. CULTURAL**

**ANY PERMIT:** *(Prior to the approval of any plan, issuance of any permit, and prior to occupancy or use of the premises in reliance of this permit).*

#### **CULT#1–ARCHAEOLOGICAL MONITORING [PDS, FEE X 2]**

**INTENT:** In order to mitigate for potential impacts to undiscovered buried archaeological resources, an Archaeological Monitoring Program and potential Data Recovery Program shall be implemented pursuant to the County of San Diego Guidelines for Determining Significance for Cultural Resources and the California Environmental Quality Act (CEQA). **DESCRIPTION OF REQUIREMENT:** A County Approved Principal Investigator (PI) known as the “Project Archaeologist,” shall be contracted to perform archaeological monitoring and a potential data recovery program during all grading, clearing, grubbing, trenching, and construction activities. The archaeological monitoring program shall include the following:

- a. The Project Archaeologist shall perform the monitoring duties before, during and after construction pursuant to the most current version of the County of San Diego Guidelines for Determining Significance and Report Format and Requirements for Cultural Resources. The Project Archaeologist and Luiseno Native American monitor shall also evaluate fill soils to determine that they are clean of cultural resources. The contract or letter of acceptance provided to the County shall include an agreement that the archaeological monitoring will be completed, and a Memorandum of Understanding (MOU) between the Project Archaeologist and the County of San Diego shall be executed. The contract or letter of acceptance shall include a cost estimate for the monitoring work and reporting.
- b. The Project Archeologist shall provide evidence that a Luiseno Native American has been contracted to perform Native American Monitoring for the project.
- c. The cost of the monitoring shall be added to the grading bonds or bonded separately.

**DOCUMENTATION:** The applicant shall provide a copy of the Archaeological Monitoring Contract or letter of acceptance, cost estimate, and MOU to [PDS, PPD]. Additionally, the cost amount of the monitoring work shall be added to the grading bond cost estimate. **TIMING:** Prior to approval of any grading and or improvement plans and issuance of any Grading or Construction Permits. **MONITORING:** [PDS, PPD] shall review the contract or letter of acceptance, MOU and cost estimate or separate bonds for compliance with this condition. The cost estimate should be forwarded to [PDS, PPD] for inclusion in the grading bond cost estimate, and grading bonds and the grading monitoring requirement shall be made a condition of the issuance of the grading or construction permit.

]

**OCCUPANCY:** *(Prior to any occupancy, final grading release, or use of the premises in reliance of this permit).*

**CULT#2 CULTURAL RESOURCES REPORT [PDS, FEE X2]**

**INTENT:** In order to ensure that the Archaeological Monitoring occurred during the earth-disturbing activities, a final report shall be prepared.

**DESCRIPTION OF REQUIREMENT:** A final Archaeological Monitoring and Data Recovery Report that documents the results, analysis, and conclusions of all phases of the Archaeological Monitoring Program shall be prepared. The report shall include the following items:

- a. DPR Primary and Archaeological Site forms.
- b. Daily Monitoring Logs
- c. Evidence that all cultural materials collected during the survey, testing, and archaeological monitoring program have been curated and/or repatriated as follows:

- 1) All prehistoric cultural materials shall be curated at a San Diego curation facility or a culturally affiliated Tribal curation facility that meets federal standards per 36 CFR Part 79, and, therefore, would be professionally curated and made available to other archaeologists/researchers for further study. The collections and associated records, including title, shall be transferred to the San Diego curation facility or culturally affiliated Tribal curation facility and shall be accompanied by payment of the fees necessary for permanent curation. Evidence shall be in the form of a letter from the curation facility stating that the prehistoric archaeological materials have been received and that all fees have been paid.

or

Evidence that all prehistoric materials collected during the archaeological monitoring program have been returned to a Native American group of appropriate tribal affinity. Evidence shall be in the form of a letter from the Native American tribe to whom the cultural resources have been repatriated identifying that the archaeological materials have been received.

- 2) Historic materials shall be curated at a San Diego curation facility as described above and shall not be curated at a Tribal curation facility or repatriated. The collections and associated records, including title, shall be transferred to the San Diego curation facility and shall be accompanied by payment of the fees necessary for permanent curation. Evidence shall be in the form of a letter from the curation facility stating that the historic materials have been received and that all fees have been paid.
- d. If no cultural resources are discovered, a Negative Monitoring Report must be submitted stating that the grading monitoring activities have been completed. Grading Monitoring Logs must be submitted with the negative monitoring report.

**DOCUMENTATION:** The applicant's archaeologist shall prepare the final report and submit it to the [PDS, PPD] for approval. Once approved, a final copy of the report shall be submitted to the South Coastal Information Center (SCIC), the Pechanga Band of Temecula Luiseno Indians, the San Luis Rey Band of Mission Indians, and any culturally-affiliated Tribe who requests a copy. **TIMING:** Prior to any occupancy, final grading release, or use of the premises in reliance of this permit, the final report shall be prepared. **MONITORING:** The [PDS, PPD] shall review the final report for compliance this condition and the report format guidelines. Upon acceptance of the report, [PDS, PPD] shall inform [PDS, LDR] and [DPW, PDCI], that the requirement is complete and the bond amount can be relinquished. If the monitoring was bonded separately, then [PDS, PPD] shall inform [PDS or DPW FISCAL] to release the bond back to the applicant.

**"Specific Environmental Condition Notes" to be placed on the Preliminary Grading and Development Plan, for implementation on the Final Grading and/or Improvement Plans:**

**PRE-CONSTRUCTION GRADING AND/OR IMPROVEMENTS:** *(Prior to any clearing, grubbing, trenching, grading, or any land disturbances.)*

#### **(CULTURAL RESOURCES)**

##### **CULT#GR-1 ARCHAEOLOGICAL MONITORING – PRECONSTRUCTION MEETING [PDS, FEE X2]**

**INTENT:** In order to comply with the County of San Diego Guidelines for Significance – Cultural Resources, an Archaeological Monitoring Program shall be implemented. **DESCRIPTION OF REQUIREMENT:** The County approved Project Archaeologist and Luiseno Native American Monitor shall attend the pre-construction meeting with the contractors to explain and coordinate the requirements of the archaeological monitoring program. The Project Archaeologist and Luiseno Native American Monitor shall monitor the original cutting of previously undisturbed deposits in all areas identified for development including off-site improvements. The Project Archaeologist and Luiseno Native American monitor shall also evaluate fill soils to determine that they are clean of cultural resources. The archaeological monitoring program shall comply with the County of San Diego Guidelines for Determining Significance and Report Format and Content Requirements for Cultural Resources. **DOCUMENTATION:** The applicant shall have the contracted Project Archeologist and Luiseno Native American attend the preconstruction meeting to explain the monitoring requirements. **TIMING:** Prior to any clearing, grubbing, trenching, grading, or any land disturbances this condition shall be completed. **MONITORING:** The [DPW, PDCI] shall confirm the attendance of the approved Project Archaeologist.

***DURING CONSTRUCTION:*** *(The following actions shall occur throughout the duration of the grading construction).*

**(CULTURAL RESOURCES)**

**CULT#GR-2 ARCHAEOLOGICAL MONITORING – DURING CONSTRUCTION [PDS, FEE X2]**

**INTENT:** In order to comply with the County of San Diego Guidelines for Determining Significance and Report Format and Content Requirements for Cultural Resources, a Cultural Resource Grading Monitoring Program shall be implemented. **DESCRIPTION OF REQUIREMENT:** The Project Archaeologist and Luiseno Native American Monitor shall monitor the original cutting of previously undisturbed deposits in all areas identified for development including off-site improvements. The archaeological monitoring program shall comply with the following requirements during earth-disturbing activities:

- a. During the original cutting of previously undisturbed deposits, the Project Archaeologist and Luiseno Native American Monitor shall be onsite as determined necessary by the Project Archaeologist. Inspections will vary based on the rate of excavation, the materials excavated, and the presence and abundance of artifacts and features. The frequency and location of inspections will be determined by the Project Archaeologist in consultation with the Luiseno Native American Monitor. Monitoring of the cutting of previously disturbed deposits will be determined by the Project Archaeologist in consultation with the Luiseno Native American Monitor.
- b. In the event that previously unidentified potentially significant cultural resources are discovered:
  - 1) The Project Archaeologist or the Luiseno Native American monitor, shall have the authority to divert or temporarily halt ground disturbance operations in the area of discovery to allow evaluation of potentially significant cultural resources.
  - 2) At the time of discovery, the Project Archaeologist shall contact the PDS Staff Archaeologist.
  - 3) The Project Archaeologist, in consultation with the PDS Staff Archaeologist and the Luiseno Native American Monitor, shall determine the significance of the discovered resources.
  - 4) Construction activities will be allowed to resume in the affected area only after the PDS Staff Archaeologist has concurred with the evaluation.
  - 5) Isolates and clearly non-significant deposits shall be minimally documented in the field.

- 6) Should the isolates and/or non-significant deposits not be collected by the Project Archaeologist, then the Luiseno Native American monitor may collect the cultural material for transfer to a Tribal Curation facility or repatriation program.
  - 7) A Research Design and Data Recovery Program (Program) is required to mitigate impacts to identified significant cultural resources.
  - 8) The Research Design and Data Recovery Program shall be prepared by the Project Archaeologist in coordination with the Luiseno Native American Monitor. The Program shall include (1) reasonable efforts to preserve (avoidance) "unique" cultural resources or Sacred Sites; (2) the capping of identified Sacred Sites or unique cultural resources and placement of development over the cap, if avoidance is infeasible; and (3) data recovery for non-unique cultural resources. The preferred option is preservation (avoidance).
  - 9) The County Archaeologist shall review and approve the Program, which shall be carried out using professional archaeological methods.
- c. If any human remains are discovered:
- 1) The Property Owner or their representative shall contact the County Coroner and the PDS Staff Archaeologist.
  - 2) Upon identification of human remains, no further disturbance shall occur in the area of the find until the County Coroner has made the necessary findings as to origin.
  - 3) If the remains are determined to be of Native American origin, the Most Likely Descendant (MLD), as identified by the Native American Heritage Commission (NAHC), shall be contacted by the Property Owner or their representative in order to determine proper treatment and disposition of the remains.
  - 4) The immediate vicinity where the Native American human remains are located is not to be damaged or disturbed by further development activity until consultation with the MLD regarding their recommendations as required by Public Resources Code Section 5097.98 has been conducted.
  - 5) Public Resources Code §5097.98, CEQA §15064.5 and Health & Safety Code §7050.5 shall be followed in the event that human remains are discovered.
- d. The Project Archaeologist and Luiseno Native American monitor shall evaluate fill soils to determine that they are clean of cultural resources.



- e. The Project Archaeologist shall submit monthly status reports to the Director of Planning and Development Services starting from the date of the Notice to Proceed to termination of implementation of the archaeological monitoring program. The report shall briefly summarize all activities during the period and the status of progress on overall plan implementation. Upon completion of the implementation phase, a final report shall be submitted describing the plan compliance procedures and site conditions before and after construction.

**DOCUMENTATION:** The applicant shall implement the Archaeological Monitoring Program pursuant to this condition. **TIMING:** The following actions shall occur throughout the duration of the earth disturbing activities. **MONITORING:** The [DPW, PDCI] shall make sure that the Project Archeologist is on-site performing the monitoring duties of this condition. The [DPW, PDCI] shall contact the [PPD] if the Project Archeologist or applicant fails to comply with this condition.

### **(PALEONTOLOGICAL RESOURCES)**

#### **PALEO#GR-1 PALEONTOLOGICAL MONITORING: [PDS, FEE X2]**

**INTENT:** In order to comply with Mitigation Monitoring and Reporting Program pursuant to PDS2015-MUP-15-029, a Paleontological Monitoring Program shall be implemented.

**DESCRIPTION OF REQUIREMENT:** This project site has low levels of sensitive Paleontological resources. All grading activities are subject to the [County of San Diego Grading Ordinance Section 87.430](#), if any significant resources (Fossils) are encountered during grading activities.

- a. The grading contractor is responsible to monitor for paleontological resources during all grading activities. If any fossils are found greater than 12 inches in any dimension, stop all grading activities and contact PDS before continuing grading operations.
- b. If any paleontological resources are discovered and salvaged, the monitoring, recovery, and subsequent work determined necessary shall be completed by or under the supervision of a Qualified Paleontologist pursuant to the [San Diego County Guidelines for Determining Significance for Paleontological Resources](#).

**TIMING:** The following actions shall occur throughout the duration of the grading construction. **MONITORING:** The [DPW, PDCI] shall make sure that the grading contractor is on-site performing the Monitoring duties of this condition. The [DPW, PDCI] shall contact PDS if the grading contractor or applicant fails to comply with this condition.

**ROUGH GRADING:** *(Prior to rough grading approval and issuance of any building permit).*

### **(CULTURAL RESOURCES)**

#### **CULT#GR-3 ARCHAEOLOGICAL MONITORING – ROUGH GRADING [PDS, FEE]**

**INTENT:** In order to comply with the County of San Diego Guidelines for Determining Significance and Report Format and Content Requirements for Cultural Resources, an Archaeological Monitoring Program shall be implemented. **DESCRIPTION OF REQUIREMENT:** The Project Archaeologist shall prepare one of the following reports upon completion of the earth-disturbing activities that require monitoring:

- a. If no archaeological resources are encountered during earth-disturbing activities, then submit a final Negative Monitoring Report substantiating that earth-disturbing activities are completed and no cultural resources were encountered. Archaeological monitoring logs showing the date and time that the monitor was on site and any comments from the Luiseno Native American Monitor must be included in the Negative Monitoring Report.
- b. If archaeological resources were encountered during the earth disturbing activities, the Project Archaeologist shall provide an Archaeological Monitoring Report stating that the field monitoring activities have been completed, and that resources have been encountered. The report shall detail all cultural artifacts and deposits discovered during monitoring and the anticipated time schedule for completion of the curation and/or repatriation phase of the monitoring.

**DOCUMENTATION:** The applicant shall submit the Archaeological Monitoring Report to [PPD] for review and approval. Once approved, a final copy of the report shall be submitted to the South Coastal Information Center, the Pechanga Band of Temecula Luiseno Indians, the San Luis Rey Band of Mission Indians, and any culturally-affiliated Tribe who requests a copy. **TIMING:** Upon completion of all earth-disturbing activities, and prior to Rough Grading Final Inspection (Grading Ordinance SEC 87.421.a.2), the report shall be completed. **MONITORING:** [PPD] shall review the report or field monitoring memo for compliance with the project MMRP, and inform [DPW, PDCI] that the requirement is completed.

### **(PALEONTOLOGICAL RESOURCES)**

#### **PALEO#GR-2 PALEONTOLOGICAL MONITORING: [PDS, PCC] [RG, BP] [PDS, FEE].**

**INTENT:** In order to comply with the adopted Mitigation Monitoring and Reporting Program (MMRP) pursuant to PDS2015-MUP-15-029, and the [County of San Diego Guidelines for Determining Significance and Report Format and Content Requirements for Paleontological Resources](#), a Paleontological Monitoring Program shall be implemented. **DESCRIPTION OF REQUIREMENT:** One of the following letters shall be performed upon completion of the grading activities that require monitoring:

- a. If no paleontological resources were discovered, submit a “No Fossils Found” letter from the grading contractor to PDS stating that the monitoring has been completed and that no fossils were discovered, and including the names and signatures from the fossil monitors. The letter shall be in the format of Attachment E of the [County of San Diego Guidelines for Determining Significance for Paleontological Resources](#).

- b. If paleontological resources were encountered during grading, a letter shall be prepared stating that the field grading monitoring activities have been completed, and that resources have been encountered. The letter shall detail the anticipated time schedule for completion of the curation phase of the monitoring.

**DOCUMENTATION:** The applicant shall submit the letter report to PDS for review and approval. **TIMING:** Upon completion of all grading activities, and prior to Rough Grading Final Inspection ([Grading Ordinance SEC 87.421.a.2](#)), the letter report shall be completed. **MONITORING:** PDS shall review the final negative letter report or field monitoring memo for compliance with the project MMRP, and inform [DPW, PDC] that the requirement is completed.

**FINAL GRADING RELEASE:** *(Prior to any occupancy, final grading release, or use of the premises in reliance of this permit).*

#### **(CULTURAL RESOURCES)**

##### **CULT#GR-4 ARCHAEOLOGICAL MONITORING – FINAL GRADING [PDS, FEE]**

**INTENT:** In order to comply with the County of San Diego Guidelines for Determining Significance and Report Format and Content Requirements for Cultural Resources, an Archaeological Monitoring Program shall be implemented. **DESCRIPTION OF REQUIREMENT:** The Project Archaeologist shall prepare a final report that documents the results, analysis, and conclusions of all phases of the Archaeological Monitoring Program if cultural resources were encountered during earth-disturbing activities. The report shall include the following, if applicable:

- a. Department of Parks and Recreation Primary and Archaeological Site forms.
- b. Daily Monitoring Logs
- c. Evidence that all cultural materials have been curated and/or repatriated as follows:
  - 1) Evidence that all prehistoric materials collected during the archaeological monitoring program have been submitted to a San Diego curation facility or a culturally affiliated Native American Tribal curation facility that meets federal standards per 36 CFR Part 79, and, therefore, would be professionally curated and made available to other archaeologists/researchers for further study. The collections and associated records, including title, shall be transferred to the San Diego curation facility or culturally affiliated Native American Tribal curation facility and shall be accompanied by payment of the fees necessary for permanent curation. Evidence shall be in the form of a letter from the curation facility stating that the prehistoric archaeological materials have been received and that all fees have been paid.

or

Evidence that all prehistoric materials collected during the grading monitoring program have been repatriated to a Native American group of appropriate tribal affinity. Evidence shall be in the form of a letter from the Native American tribe to whom the cultural resources have been repatriated identifying that the archaeological materials have been received.

- 2) Historic materials shall be curated at a San Diego curation facility and shall not be curated at a Tribal curation facility or repatriated. The collections and associated records, including title, shall be transferred to the San Diego curation facility and shall be accompanied by payment of the fees necessary for permanent curation. Evidence shall be in the form of a letter from the curation facility stating that the historic materials have been received and that all fees have been paid.
- d. If no cultural resources are discovered, a Negative Monitoring Report must be submitted stating that the archaeological monitoring activities have been completed. Grading Monitoring Logs must be submitted with the negative monitoring report.

**DOCUMENTATION:** The applicant's archaeologist shall prepare the final report and submit it to [PPD] for approval. Once approved, a final copy of the report shall be submitted to the South Coastal Information Center (SCIC), the Pechanga Band of Temecula Luiseno Indians, the San Luis Rey Band of Mission Indians, and any culturally-affiliated Tribe who requests a copy. **TIMING:** Prior to any occupancy, final grading release, or use of the premises in reliance of this permit, the final report shall be prepared. **MONITORING:** [PDS, PPD] shall review the final report for compliance with this condition and the report format guidelines. Upon acceptance of the report, [PDS, PPD] shall inform [PDS, LDR] and [DPW, PDCI], that the requirement is complete and the bond amount can be relinquished. If the monitoring was bonded separately, then [PDS, PPD] shall inform [PDS or DPW FISCAL] to release the bond back to the applicant.

#### **D. HAZARDS**

**ANY PERMIT:** *(Prior to the approval of any plan, issuance of any permit, and prior to occupancy or use of the premises in reliance of this permit).*

##### **HAZ#1-STRUCTURE REMOVAL [PDS, FEE]**

**INTENT:** In order to comply with the approved plans for PDS2015-MUP-15-029, the structure(s) on site shall be demolished. **DESCRIPTION OF REQUIREMENT:** The single-family dwelling located on-site as shown on the approved Plot Plan, shall be demolished. A Demolition Permit shall be obtained from [PDS BD]. Compliance with conditions 6 and 7 (HAZ#2 and HAZ #3) to determine the presence or absence of Lead Based Paints and/or Asbestos containing materials shall be completed before the County can issue a Demolition Permit. **DOCUMENTATION:** The applicant shall submit

to the [PDS, PCC] a signed stamped statement from a registered professional; Engineer, Surveyor, Contractor, which states, that the structures have been demolished. The letter report shall also include before and after pictures of the area and structure(s). **TIMING:** Prior to obtaining any building, grading, or construction permit (excluding demolition permit), or any other permit pursuant to this permit, and prior to commencement of construction or use of the property in reliance on this permit, the applicant shall comply with this condition. **MONITORING:** The [PDS, PCC] shall review the statement and, photos, and any additional evidence for compliance with this condition.

#### **HAZ#2–LEAD SURVEY [PDS, FEE X 2]**

**INTENT:** In order to avoid hazards associated with lead based paint (LBP) and lead containing materials (LCM) to mitigate below levels of significance as established in the [County of San Diego Hazardous Materials and Existing Contamination Guidelines for Determining Significance](#), the structure(s) identified on the approved plan set for demolition or remodel shall be surveyed for the presence of LBP/LCM because the structures were built prior to 1980. **DESCRIPTION OF REQUIREMENT:** A facility survey shall be performed to determine the presence or absence of ACMs in the structure(s) identified for demolition or remodel on the approved plan set. The survey shall be completed by a California Department of Health Services (DHS) certified lead inspector/risk assessor to determine the presence or absence of LBP and LCM located in the structure. The following conditions only apply if LBP and LCM are present:

- a. All LBP and LCM shall be managed in accordance with applicable regulations including, at a minimum, the hazardous waste disposal requirements (Title 22 California Code of Regulations [CCR] Division 4.5), the worker health and safety requirements (Title 8 California Code of Regulations Section 1532.1), and the State Lead Accreditation, Certification, and Work Practice Requirements (Title 17 CCR Division 1, Chapter 8).
- b. All LBP and LCM scheduled for demolition or disturbed during remodeling must comply with applicable regulations for demolition methods and dust suppression.

**DOCUMENTATION:** The applicant shall submit a letter or report prepared by a California DHS certified lead inspector/risk assessor to the [DEH HAZ MAT, APCD], which certifies that there was no LBP/LCM present, or all lead containing materials have been remediated pursuant to applicable regulations. **TIMING:** Prior to the approval of any plan, issuance of any permit (excluding demolition permit), and prior to approval of the map the applicant shall comply with this condition. **MONITORING:** The [DEH HAZ MAT, APCD] shall review the report and any additional evidence for compliance with this condition. The [PDS, PCC] shall review the completed and stamped report and any additional evidence for compliance with this condition.

#### **HAZ #3–ASBESTOS SURVEY [PDS, FEE X 2]**

**INTENT:** In order to avoid hazards associated with Asbestos Containing Materials (ACMs) and to mitigate below levels of significance as established by the [County of San Diego Hazardous Materials and Existing Contamination Guidelines for Determining Significance](#), the structure(s) identified on the approved plan set for demolition or

remodel shall be surveyed for the presence of ACMs because the structures were built prior to 1980. **DESCRIPTION OF REQUIREMENT:** A facility survey shall be performed to determine the presence or absence of ACMs in the structure(s) identified for demolition or remodel on the approved plan set.

- a. Suspect materials that will be disturbed by the demolition or renovation activities shall be sampled and analyzed for asbestos content, or assumed to be asbestos containing. The survey shall be conducted by a person certified by Cal/OSHA pursuant to regulations implementing subdivision (b) of Section 9021.5 of the Labor Code, and shall have taken and passed an EPA-approved Building Inspector Course.
- b. If ACMs are found present, they shall be handled and remediated in compliance with the San Diego County Air Pollution Control District Rule 361.145 – Standard for Demolition and Renovation.

**DOCUMENTATION:** The applicant shall submit to the [DEH HAZ MAT, APCD] a signed, stamped statement from the person certified to complete the facility survey indicating that the survey has been completed and that either regulated asbestos is present or absent. If regulated asbestos is present, the letter shall describe the procedures taken to remediate the hazard and certify that they have been remediated pursuant to code sections referenced above. **TIMING:** Prior to the approval of any plan, issuance of any permit (excluding demolition permit), and prior to approval of the map the applicant shall comply with this condition. **MONITORING:** The [DEH HAZ MAT, APCD] shall review the report and any additional evidence for compliance with this condition. The [PDS, PCC] shall review the completed and stamped report and any additional evidence for compliance with this condition.

**OCCUPANCY:** *(Prior to any occupancy, final grading release, or use of the premises in reliance of this permit).*

#### **HAZ#4–VECTOR MANAGEMENT PLAN**

**INTENT:** In order to avoid hazards associated with vectors associated with outdoor display/storage of hay and feed and to comply with the project design, the Vector Management Practices shall be implemented. **DESCRIPTION OF REQUIREMENT:** Submit to DEH and obtain approval of a Vector Control Plan to the satisfaction of the Director of DEH. The implementation shall be substantially consistent with the approved Major Use Permit. Implementation shall include but is not limited to the following:

- a. Properly graded earth surfaces for proper drainage;
- b. Weed control for sun penetration;
- c. Rodent baits; and
- d. Rodent-proof feed containers.

**DOCUMENTATION:** The property owner and permittee shall comply with the requirements of the Major Use Permit and this condition. If the permittee or property owner should choose to modify or deviate from the Major Use Permit in any way, they must obtain approval from the County DEH. **TIMING:** Prior to any occupancy, final grading release, or use of the premises in reliance of this permit, the site shall conform to the approved plans. **MONITORING:** The [DEH] shall inspect the site for compliance with the approved Building Plans.

## E. NOISE

**BUILDING PERMIT:** *(Prior to approval of any building plan and the issuance of any building permit).*

### NOISE#1–NOISE REQUIREMENT [PDS, FEE X1]

**INTENT:** In order to reduce the impacts of the exterior sound levels from the project site on the adjacent parcels and to comply with the [County of San Diego Noise Ordinance 36.404](#) as evaluated in the [County of San Diego Noise Guidelines for Determining Significance](#), the following design measures shall be implemented on the building plans and in the site design. **DESCRIPTION OF REQUIREMENT:** The following design elements and noise attenuation measures shall be implemented and indicated on the building plans and made conditions of its issuance: Roof-top mechanical HVAC systems shall be screened by a wall/barrier around the HVAC systems that is consistent with the building's exterior wall materials. The height of the wall/barrier shall be a minimum of one foot higher than the HVAC roof-top units, incorporating a visually shielded design. **DOCUMENTATION:** The applicant shall place the design elements, or notes on the building plans and submit the plans to [PDS, BPPR] for review and approval. **TIMING:** Prior to issuance of any building permit, the design elements and noise attenuation measures shall be incorporated into the building plans. **MONITORING:** The [PDS, BPPR] shall verify that the specific note(s), and design elements, and noise attenuation measures have been placed on all sets of the building plans and made conditions of its issuance.

**OCCUPANCY:** *(Prior to any occupancy, final grading release, or use of the premises in reliance of this permit).*

### NOISE#2–NOISE CONTROL DESIGN MEASURES [PDS FEE X1]

**INTENT:** In order to reduce the impacts of the exterior sound levels from the project site on the adjacent parcels and to comply with the [County of San Diego Noise Ordinance 36.404](#) as evaluated in the [County of San Diego Noise Guidelines for Determining Significance](#), the following design measures shall be verified that they are constructed. **DESCRIPTION OF REQUIREMENT:** The following noise control design measure(s) shall be constructed pursuant to the approved building plans: Roof-top mechanical HVAC systems shall be screened by a wall/barrier around the HVAC



systems that is consistent with the building's exterior wall materials. The height of the wall/barrier shall be a minimum of 1-foot higher than the HVAC roof-top units, incorporating a visually shielded design. **TIMING:** Prior to any occupancy, final grading release, or use of the premises in reliance of this permit, the noise control measure shall be installed and operational. **MONITORING:** The [PDS, BI] shall verify that the noise control measures above have been constructed pursuant to the approved building plans and this permit's conditions.

**3. Critical Project Design Elements That Must Become Conditions of Approval:**

The following project design elements were either proposed in the project application or the result of compliance with specific environmental laws and regulations and were essential in reaching the conclusions within the attached Environmental Initial Study. While the following are not technically mitigation measures, their implementation must be assured to avoid potentially significant environmental effects.

- a. Landscaping
- b. Stormwater management

**ADOPTION STATEMENT:** This Mitigated Negative Declaration was adopted and above California Environmental Quality Act findings made by the:

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on \_\_\_\_\_

David Sibbet, Planning Manager  
Project Planning Division

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